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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/667,925	09/22/2003	Vincent Alan Larsen	SAGE-26,478	1616
758	7590	05/22/2006		EXAMINER
FENWICK & WEST LLP SILICON VALLEY CENTER 801 CALIFORNIA STREET MOUNTAIN VIEW, CA 94041			LY, CHEYNE D	
			ART UNIT	PAPER NUMBER
			2168	

DATE MAILED: 05/22/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	<b>Application No.</b>	<b>Applicant(s)</b>
	10/667,925	LARSEN, VINCENT ALAN
	<b>Examiner</b> Cheyne D. Ly	<b>Art Unit</b> 2168

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) Responsive to communication(s) filed on \_\_\_\_\_.
- 2a) This action is **FINAL**.                                    2b) This action is non-final.
- 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) Claim(s) 1-12 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) Claim(s) \_\_\_\_\_ is/are allowed.
- 6) Claim(s) 1-12 is/are rejected.
- 7) Claim(s) \_\_\_\_\_ is/are objected to.
- 8) Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) The specification is objected to by the Examiner.
- 10) The drawing(s) filed on 26 January 2004 is/are: a) accepted or b) objected to by the Examiner. Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a). Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
  - a) All . b) Some \* c) None of:
    1. Certified copies of the priority documents have been received.
    2. Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
    3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- 1) Notice of References Cited (PTO-892)
- 2) Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date 3/30/06 ; 12/27/06 ; 7/22/05 ; 10/30/05
- 4) Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_\_.
- 5) Notice of Informal Patent Application (PTO-152)
- 6) Other: \_\_\_\_\_.

## **DETAILED ACTION**

1. Claims 1-12 are examined on the merits.

### **IDS**

2. Documents C1 and C2 on the IDS, filed March 30, 2006, and document no. 9 on the IDS, filed March 22, 2004, have not been considered because said documents do not have publication dates.

### **Specification**

3. The disclosure is objected to because of the following informalities:
4. Page 2, line 9, recites the instant application is a continuation of 10/635,795 wherein there is a typographical error in the above application number. The correct application number is 10/635,794. Appropriate correction is required.

### **CLAIM REJECTIONS - 35 USC § 101**

5. 35 U.S.C. 101 reads as follows:

Whoever invents or discovers any new and useful process, machine, manufacture, or composition of matter, or any new and useful improvement thereof, may obtain a patent therefor, subject to the conditions and requirements of this title.

6. Claims 1-12 are rejected under 35 U.S.C. 101 because the claimed invention is directed to non-statutory algorithm subject matter.
7. Claim 1-12 recite a method of building a resource access table wherein said method does not result in a physical transformation for which a practical application is either disclosed in the specification or would have been known to a skilled artisan, or produce any intangible and concrete results. It is noted that claim 1, lines 6-7, recites "writing a resource access table entry..." however, the limitation merely transforms from one value to another wherein such transformation by itself is not sufficient for establishing that the

claimed invention is statutory. Further, the specification does not recite any concrete and tangible results that would inherently flow from the claims.

### **CLAIM REJECTIONS - 35 USC § 102**

8. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

9. Claims 1-12 are rejected under 35 U.S.C. 102(b) as being anticipated by Poublan et al. (US 4104718 A) (Poublan hereafter).
10. In regard to claim 1, Poublan discloses a method of building a resource access table in a system for controlling access to resources (Abstract etc. and Figures 30-32) comprising the steps of:

- a. Identifying a resource call in a process (column 3, lines 16-19);
- b. Identifying a resource accessed by the resource call (column 3, lines 53-57);
- c. Assigning permission to the resource (column 3, lines 40-52 and lines 59-64);
- d. Writing a resource access table entry in a resource access table including data identifying the process, the resource, and the permission (Figures 30-32); such that when the process is executed and the process makes a resource call for the resource, access to the resource may be controlled by the permission data entry in the resource access table entry of the resource access table (column 3, lines 40-52 and lines 59-64, and Figures 30-32).

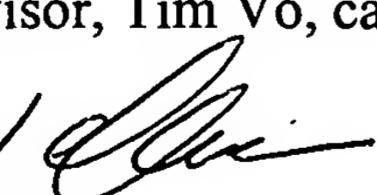
11. It is noted that the limitation of “such that...the resource access table” has been interpreted as an intended use for the “resource access table entry.” The resource table entry cited in Figures 30-32 has been interpreted as inherently support the intended use as required by the instant claim. See MPEP 2111.02 [R-3] (II). It is further noted that the limitation of “such that...the resource access table” is recited in the body of the claim; however, the claimed invention is read in the context of the entire claim.
12. In regard to claim 2, Poublan discloses the step of identifying a resource call in a process is automated (column 7, line 25, to column 8, line 56). It is noted that the disclosure of a subsystem which performs the above-cited method anticipates the limitation of “automated.”
13. In regard to claim 3, Poublan discloses the step of identifying a resource accessed by the resource call is performed by a computer (column 7, line 25, to column 8, line 56).
14. In regard to claim 4, Poublan discloses the step of assigning permission data to the resource is performed by software (column 7, line 25, to column 8, line 56).
15. In regard to claim 5, Poublan discloses the step of writing a resource access table entry to a process resource access table (column 44, line 58-68, and column 45, lines 1-21).
16. In regard to claim 6, Poublan discloses said process resource table is compiled (column 54, lines 12-25) to generate a resource access table (column 54, lines 26-37).
17. In regard to claims 7-12, Poublan discloses the claimed invention as cited above.

## **CONCLUSION**

18. Patent applicants with problems or questions regarding electronic images that can be viewed in the Patent Application Information Retrieval system (PAIR) can now contact

the USPTO's Patent Electronic Business Center (Patent EBC) for assistance. Representatives are available to answer your questions daily from 6 am to midnight (EST). The toll free number is (866) 217-9197. When calling please have your application serial or patent number, the type of document you are having an image problem with, the number of pages and the specific nature of the problem. The Patent Electronic Business Center will notify applicants of the resolution of the problem within 5-7 business days. Applicants can also check PAIR to confirm that the problem has been corrected. The USPTO's Patent Electronic Business Center is a complete service center supporting all patent business on the Internet. The USPTO's PAIR system provides Internet-based access to patent application status and history information. It also enables applicants to view the scanned images of their own application file folder(s) as well as general patent information available to the public.

19. For all other customer support, please call the USPTO Call Center (UCC) at 800-786-9199. The USPTO's official fax number is 571-272-8300.
20. Any inquiry concerning this communication or earlier communications from the examiner should be directed to C. Dune Ly, whose telephone number is (571) 272-0716. The examiner can normally be reached on Monday-Friday from 8 A.M. to 4 P.M.
21. If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Tim Vo, can be reached on (571) 272-3642.

C. Dune Ly /   
Patent Examiner  
5/14/06